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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 OMAR SEGURA,
11 Plaintiff,
12 v.
13 MALDONADO, *et al.*,
14 Defendants.
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Case No. 1:23-cv-00780-JLT-BAM (PC)

ORDER REFERRING CASE TO POST-SCREENING ADR AND STAYING CASE

Hearing: **Settlement Conference**
Date: **May 30, 2024**
Time: **10:30 a.m.**
Judge: **Stanley A. Boone**
Location: **via Zoom Videoconference**

Plaintiff Omar Segura (“Plaintiff”) is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendants Coelho¹ and John Doe 1² for excessive force in violation of the Eighth Amendment. Defendant Coelho has answered the complaint. (ECF No. 27.)

Because it takes years to get to trial, the Court has identified this case as an appropriate case for post-screening ADR (Alternative Dispute Resolution), which is an effort to resolve such cases more expeditiously and less expensively. No claims, defenses, or objections shall be waived by the parties' participation. In appropriate cases, defense counsel from the California State Attorney General's Office has agreed to participate in these early settlements.

²⁷ ¹ Erroneously sued as “Cohello.”

²⁸ Defendant John Doe 1 has not yet been identified or served.

1 As set forth in the Court's screening order, this action states cognizable claims. But, stating
2 cognizable claims does not mean Plaintiffs will prevail at trial. Thus, the Court stays this action to
3 allow the parties to investigate Plaintiffs' claims, meet and confer, and then participate in a settlement
4 conference.

5 Therefore, this case will be referred to Magistrate Judge Stanley A. Boone to conduct a video
6 settlement conference, via the Zoom videoconferencing application, on May 30, 2024, at 10:30
7 a.m.

8 Plaintiff and counsel for Defendant shall each contact Courtroom Deputy Jan Nguyen at (559)
9 499-5672 or jnguyen@caed.uscourts.gov for the video and dial-in information, including any
10 necessary passcodes.

11 In issuing this order, there is a presumption that this case will proceed to a settlement
12 conference.³ However, if after investigating the relevant claims and defenses, conferring with the
13 other party, and conferring with others, either party in good faith finds that a settlement conference
14 would be a waste of resources, the party may move to opt out of this early settlement conference. A
15 written notice to opt out must be filed within **thirty (30) days** of the date of the issuance of this order.

16 If a party wishes to participate in a settlement conference but cannot attend due to a
17 scheduling conflict or a lack of access to a device with videoconferencing capabilities and a
18 reliable internet connection, they should so inform the Court and the other party, so the Court
19 may determine if there are alternative dates or arrangements that can be made.

20 The parties shall each submit to Judge Boone a confidential settlement conference statement,
21 as described below, to arrive at least seven days (one week) prior to the conference.

22 If the parties do not elect to opt out of the settlement conference, the parties shall be prepared
23 to negotiate the merits of the case and offer more than a waiver of costs as a reasonable compromise to
24 settle the case. The parties are also informed that an offer of dismissal in exchange for a waiver of
25 costs is not considered good faith settlement negotiations.

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28 ³ If the case does not settle, the Court will then lift the stay of its Discovery and Scheduling Order or
issue one forthwith.

1 In accordance with the above, IT IS HEREBY ORDERED that:

- 2 1. This action is STAYED to allow the parties an opportunity to settle their dispute before the
3 discovery process begins. Except as provided herein or by subsequent court order, no other
4 pleadings or other documents may be filed in this case during the stay of this action. The
5 parties shall not engage in formal discovery, but may engage in informal discovery to prepare
6 for the settlement conference.
- 7 2. This case is set for a video settlement conference, via the Zoom videoconferencing
8 application, before Magistrate Judge Stanley A. Boone on **May 30, 2024 at 10:30 a.m.**
- 9 3. A representative with full and unlimited authority to negotiate and enter into a binding
10 settlement shall attend via the Zoom videoconferencing application.⁴
- 11 4. Those in attendance must be prepared to discuss the claims, defenses and damages. The failure
12 or refusal of any counsel, party or authorized person subject to this order to appear in person
13 may result in the cancellation of the conference and the imposition of sanctions.
- 14 5. Defendant shall provide a confidential settlement statement to the following email address:
15 saborders@caed.uscourts.gov. Plaintiff may email or mail his confidential settlement
16 statement to U.S. District Court, 2500 Tulare Street, Fresno, California 93721, “Attention:
17 **Magistrate Judge Stanley A. Boone**.” The envelope shall be marked “Confidential
18 Settlement Statement.” Settlement statements shall arrive no later than **May 23, 2024**. Parties
19 shall also file a Notice of Submission of Confidential Settlement Statement (See Local Rule
20 270(d)). Settlement statements **should not be filed** with the Clerk of the Court **nor served on**
21 **any other party**. Settlement statements shall be clearly marked “Confidential” with the date
22 and time of the settlement conference indicated prominently thereon.
- 23 6. The confidential settlement statement shall be **no longer than five pages** in length, typed or
24 neatly printed, and include the following:
 - 25 a. A brief statement of the facts of the case.

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⁴ In light of the coronavirus (COVID-19) outbreak and the evolving coronavirus protocols, the Court
may issue an order at a later date requiring the parties to appear in person.

- 1 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
- 2 which the claims are founded; a forthright evaluation of the parties' likelihood of
- 3 prevailing on the claims and defenses; and a description of the major issues in dispute.
- 4 c. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- 5 d. The party's position on settlement, including present demands and offers and a history
- 6 of past settlement discussions, offers, and demands.
- 7 e. A brief statement of each party's expectations and goals for the settlement conference,
- 8 including how much a party is willing to accept and/or willing to pay.
- 9 f. If parties intend to discuss the joint settlement of any other actions or claims not in this
- 10 suit, give a brief description of each action or claim as set forth above, including case
- 11 number(s) if applicable.
- 12 7. If a settlement is reached at any point during the stay of this action, the parties shall file a
- 13 Notice of Settlement in accordance with Local Rule 160.
- 14 8. If a party wishes to "opt-out" of this settlement for the reasons stated above, the party must do
- 15 so within **thirty (30) days** of this order by filing a "Notice of Opt-Out and Request to Vacate
- 16 Settlement Conference."
- 17 9. The parties remain obligated to keep the Court informed of their current address at all times
- 18 during the stay and while the action is pending. Any change of address must be reported
- 19 promptly to the Court in a separate document captioned for this case and entitled "Notice of
- 20 Change of Address." See Local Rule 182(f).
- 21 10. **A failure to follow these procedures may result in the imposition of sanctions by the**
- 22 **court.**

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24 IT IS SO ORDERED.

25 Dated: February 12, 2024

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27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE